

April 12, 2002. James P. Garvin

Re: Comments to Docket Number FAA-2002-11580, Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special flight Rules Area (SFAR-94).

I am a US citizen and homeowner in College Park, Maryland. The proximity of College Park Airport factored greatly in my decision to purchase a home in the neighborhood in which I live. I am a Licensed Private Pilot (SEL & Glider) and I am security cleared for operations out of College Park (CGS) under the operating requirements of SFAR-94, I completed.

I am pleased to still be permitted by my government, and the Office of Homeland Security, to comment on this final rule. I am strongly in support of the restoration of operations at these airports. I am strongly in support of further enhancing the relief provided by this limited SFAR to airport operators, aircraft operators, businesses, and communities affected by the burden to operations at the affected airports, College Park Airport (CGS), Potomac Airfield (VKX), and Hyde Field (W32). I greatly support the FAA's attempt to restore normalcy of operations as quickly as possible, and provide some procedures adequate for the time, yet would like a restoration of the pre-September 11 airspace usage.

Difficulties in obtaining maintenance for the club aircraft I participate in the operation of out of CGS, and the inability of maintaining adequate personal proficiency to my own standards (beyond 14 CFR part 91 requirements) by not being able to perform pattern work under the current SFAR-94, have prevented me from operating out of CGS since September 2001.

The inability to perform pattern work has factored greatly in my inability to remain proficient, and feel confident in moving forward with operations directly out of and back into the defined airspace. I am economically limited, and cannot afford to do pattern work wherever it is my bidding; my flying career is tied to College Park Airport.

I am supportive of the stated goals of SFAR-94, the restoration of the operation to these affected airports while attempting to counter possible terrorist threats to the National Capital region. However I would like to comment on the following topics:

#### 1. Definition of Airspace

From a technical standpoint, as the SFAR-94 is currently defined I am confused as to the limits of this airspace. On page 9 of the docket it states "from 13-15 miles nautical miles from the Washington (DCA) VOR/DME (with specific exclusions to permit operations at Freeway airport (W00) and a VFR corridor between Washington and Baltimore", yet as plotted from the definition section (page 31) this airspace does incur (as stated by previous AOPA comments to this docket) on the airspace between Baltimore and Washington.

## 2. Justification for Emergency Final Rule

The tragic attack by Al Qaeda on September 11, 2001 was not only a physical, yet an economic and psychological attack on the entire United States of America. This organization was hoping the after affects of over compensation to their actions would alter, or deny the freedoms and personal liberties loyal American citizens enjoyed. The permission to operate an aircraft is not defined in the constitution; it can be rescinded, impaired, or totally denied by an overly nervous bureaucracy. This is the situation that exists today, and grants them the victory they were counting on. The security screenings and ground based security procedures at these airports have eliminated the already minimal to non-existent potential of threat of terrorism using general aviation to the National Capital area. Continuing the oppressive nature of the flight procedures under SFAR 94 is an over reaction that wages psychological warfare on those innocent citizens wishing to attempt to continue training and developing aviation skills.

## 3. Airport Security Procedures

The implementation of the Security Awareness Program portion alone (page 22, paragraph 3) of SFAR-94 has eliminated the potential of any conceivable terrorism threat from the general aviation equipment at airports in the National Capital region. These simple and effective measures protect against terrorism and the general aviation community has the benefit of protection from theft and vandalism. I commend the FAA on these prudent measures.

## 4. Paperwork Reduction Act

The fingerprinting process was greatly appreciated and conducted professionally and with a little impact as possible, although in the docket this effort and impact was greatly under reported. The accompanying inspection of documentation of persons seeking to operate from affected airports was unnecessarily focused on minute detail, and had an unreported economic impact as many pilots were forced to redo medical certificates at their own cost due to the most trivial inconsistencies, such as eye color or spelling of middle name.

## 5. Economic Analysis

SFAR 94 has opened these airports in name only. I strongly urge the government to recind the burdensome flight procedures. College Park Airport revenues as compared to March 2001 vs. March 2002 are down 77%; fuel flowage is down 68%; tenant based population is down 60%; and five full time jobs have been lost; and a thriving aviation repair business has been moved, perhaps never to return. It is a shame to see the world's oldest continuously operating airport fall into such a tragic decline. College Park Airport's survival and operation has been endangered by a high rise dormitory plan of the University of Maryland that would have encountered significant resistance had the aviation community been flourishing at that location. Freeway Airport also has the specter of aggressive development on its immediate boundaries. These airports require the lifting of burdensome and limiting operation procedures in order to survive. The ban to transient aircraft must be lifted in order for them to flourish. Without these airports, the ability of American citizens in the DC metro area to improve their flight skills will be as destroyed as certainly as if Al Qaeda bombed these airports also on September 11.

#### 6. Unfunded Mandates Reform Act

This action is a de facto unfunded federal mandate. The fact as described in the docket that this rule-making process did not include a notice of proposed rulemaking is true, and that by technicality a statement is not required yet avoids the truth that this regulation is an unfunded federal security mandate.

I greatly appreciate the efforts put forth to restore the existence of general aviation in the DC-metro area. Yet I fervently hope that SFAR 94 will be modified to ease the burdens felt at these airports and enable them to survive this unseen damage incurred in these attacks upon America that threatens their very survival.